IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 24,634.

LUCIUS J. BREELAND,
Appellant,

versus

UNITED STATES OF AMERICA,
Appellee.

Appeal from the United States District Court for the Eastern District of Louisiana.

(June 25, 1968.)

Before TUTTLE and DYER, Circuit Judges, and MEHRTENS, District Judge.

PER CURIAM: Appellant here complains that the trial court erred in failing to sever the trial as to the seven counts of mail fraud for which he was tried, and for the use of a fictitious name in an eighth count. The violations alleged were under 18 U.S.C.A., §1341 in the first seven counts, and 18 U.S.C.A. §1342 in the eighth.

The trial court did not abuse its discretion in refusing to grant a separate trial on each count of the indictment. In *Nixon v. United States*, 5 Cir., 1965,

352 F. 2d 601, 602, we said: "There is no general requirement for a separate trial on each count of the indictment of a single offender for multiple offenses." Although different mailings to different companies involving somewhat different false representations were involved, they all satisfied the requirement that they be "of the same or similar character or based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan." Rule 8, F.R.Cr.P.

The judgment is AFFIRMED.

JUDGMENT.

This cause came on to be heard on the transcript of the record from the United States District Court for the Eastern District of Louisiana, and was argued by counsel;

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

June 25, 1968